

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

STEVEN GOODMAN, Individually and on
Behalf of All Other Persons Similarly Situated,
Plaintiff,

-against-

BURLINGTON COAT FACTORY
WAREHOUSE CORPORATION,
BURLINGTON COAT FACTORY
INVESTMENT HOLDINGS, INC., and
BURLINGTON COAT FACTORY
HOLDINGS, INC.,

Defendants.

CIVIL ACTION: 11-CV-4395 (JHR)

DECLARATION OF ANTHONY
WILLIAMS IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION FOR
CONDITIONAL CERTIFICATION

I, Anthony Williams, declare:

1. I have personal knowledge of the matters contained in this declaration, except where such facts are stated to be based on information and belief, and those facts I believe to be true. If called to testify to the matters set forth in this declaration, I could do so competently.

2. I understand that the Plaintiff in this case is seeking to represent current and former Burlington Coat Factory ("BCF") employees, including me. I know that I may be eligible to opt into the action if the case is certified. I understand that the attorney who interviewed me and assisted in preparing this declaration for me represents BCF and does not represent my personal interests. I am making this statement voluntarily and without coercion.

3. I am a Customer Service Logistics Manager ("CSLM") in Store No. 374 in Spokane, Washington. I started working for BCF in February 2011 as an Operations Assistant Store Manager ("OASM") in the Spokane store. In June 2011, BCF eliminated the OASM position, so I transitioned into the CSLM position. Before I started working for BCF, I was a manager at Lowe's Home Improvement for over seven years.

4. The Spokane BCF store is located in a strip center with other retailers and restaurants like Ross, Bed Bath & Beyond, and Outback Steakhouse. Because we are not located in a mall, we don't get a lot of customers just stopping by the store as they are passing by.

Instead, most of our customers are destination shoppers (i.e. they come specifically to the strip center to shop at BCF). In general, our customers don't require a lot of personal attention from the sales associates, they just like to be greeted and be able to find an associate when they have a specific question about our merchandise.

5. My store has an annual sales volume of around \$9 million. Currently, we have approximately 69 employees on staff, including the Store Manager, three Assistant Store Managers ("ASMs"), five hourly supervisors, and 60 hourly associates. The number of employees on staff fluctuates between 55 to 80 associates depending on the time of year and whether we have open positions to fill. During the holidays, we hire approximately 10 seasonal associates to help out during our busiest time of year. My store is also busy around Mother's Day, Father's Day and back to school.

6. My primary duty is to manage my employees to facilitate great customer service and drive sales in my store. However, the management activities I perform to accomplish my primary duty and the amount of time I spend on those activities vary significantly. For example, managing my employees includes coaching them on customer service skills, but the amount of time I spend on coaching varies from week to week depending on the needs of my employees. Managing my employees also means delegating tasks to them and following up on their progress to ensure that the store is properly recovered and freight is moving efficiently from the back of house to the sales floor. However, I spend more time directing the work of my employees during the weekdays than on the weekends because we receive trucks and work on projects during the weekdays.

7. My Store Manager does not micromanage me - he lets me manage my side of the business. I have never felt like I am not truly a manager at BCF. I greet customers and answer their questions when I am supervising the sales floor, help unload a truck from time to time and occasionally jump on a register for a few minutes to help shrink the lines, but I have never spent a majority of my time performing the job duties of an hourly associate at BCF or felt that I was employed to mainly do those duties. I choose to work alongside my employees every now and

then so that I stay in touch with the needs of my employees and the business. When I am working in the store, I am always thinking and acting like a manager and I am continuously moving from one area of the store to the next solving problems, coaching and directing employees, answering questions and analyzing sales trends, among other management duties.

8. As a CSLM, I directly manage approximately 20 employees, including the receiving team, cashiers, customer service supervisors, cash room auditors, and loss prevention team. I supervise and direct everyone working in the store when I am acting as the Manager on Duty ("MOD"). As the MOD, I am constantly touring the store monitoring sales trends, coaching employees, supervising their progress on tasks, resolving customer service issues, and managing the flow of employees' meal and rest breaks. If I see that the sportswear department is really busy or needs to be recovered, then I redirect associates to that department from other areas in the store. Similarly, if I see that the checkout lines are backed up, then I call additional back up cashiers to the front end. The number of hours I act as the MOD varies from week to week depending on the other managers' schedules and availability. However, in general I am the MOD for 15 to 25 hours per week. In addition, I supervise everyone working in the store when I am the only opening manager or closing manager. Although it varies, I typically open the store one or two days per week, work a mid-shift one or two days per week, and close the store two days per week and I am the only opening or closing manager for 7 to 15 hours per week.

9. The amount of time I spend in each area of the store varies from week to week based on the needs of the business and my schedule. However, I generally spend 25% of my time in each area (i.e. the front end, sales floor, office, and receiving). Although it is the exception not the rule, I do occasionally spend a majority of my shift managing one area of the store. For example, I spend a majority of my shift supervising and directing the associates in the back of house during inventory.

10. I make decisions that affect my store on a daily basis. I could go on and on about the different types of decisions I make every day, but a few examples include deciding how many hours to allocate to the receiving department, which seasonal employees to keep on as

permanent employees after the holiday season, whether to interview an applicant for an open position in my department, and whether to continue coaching an employee or proceed to counseling. My Store Manager expects and trains me to make decisions and I do so.

11. As the CSI M, I am responsible for creating the weekly schedule for my departments. My store uses the BEST scheduling system, which generates a model schedule for the store based on employee availability and past sales numbers. The BEST system never creates a perfect schedule though, so I have to review what is generated for my departments to make sure we have proper coverage to account for current sales trends and upcoming projects. For example, if the BEST system schedules 50 hours of labor in the receiving department, but I have a lot of freight coming in that week, I reallocate hours from the front end to the receiving department. Occasionally, the regional team gives me extra payroll hours to play with because we are anticipating higher sales over the weekend. In that situation, I schedule extra shifts in the areas where I think it will drive most the most sales. I check the payroll report every day to make sure we are staying in line with our budget and all of the associates' hours are accounted for in the payroll system.

12. I am very involved in the hiring process in my store. When there is an open position or we are hiring seasonal associates, I review applications and select candidates to interview. I then conduct an interview with the candidate. During the interview, I look for people who are personable and seem eager to work hard, although it is great if they also have retail experience. If I think a candidate is qualified for the job, then I perform a background check on that person before setting up an interview with my Store Manager. I explain to my Store Manager why I like the candidate and what position I think he or she would work well in. The Store Manager and I think alike when it comes to hiring, so he is really just signing off on my decision to hire someone. In the past year and a half, I have hired approximately 50 new employees with my Store Manager; there has only been one candidate that I recommended for hire that was not hired. The amount of time I spend on the hiring process varies throughout the year based on employee turnover and the number of seasonal associates we hire.

13. As the CSLM, I conduct the new hire orientation for my store. I was responsible for the new hire orientation when I was the OASM as well. During orientation, I review BCF's basic policies and procedures, ensure they fill out their new hire paperwork, give a store tour, and discuss store-specific processes. After orientation, I send the new hires off to their departments for on-the-job training. The MASMs train the new hires in their departments and I either train the new hires in my departments or delegate the training to one of my supervisors or an experienced associate. I have a customer service supervisor who has worked for BCF for 10 years that trains all of the new hires on the cash registers. Even when I delegate training to my supervisors or associates, I make it a habit to follow up with the new hires to make sure they understand their job duties and are learning everything they need to know to be successful associates.

14. One of my strengths as a leader is being able to motivate and engage my employees. As a result, I am usually able to improve my employees' performance and behavior through informal coaching, rather than counseling. I am always looking for "teachable moments" when I am supervising my employees. For example, when I see an associate performing a task that can be done more efficiently, I spend a few minutes with the associate demonstrating the more efficient way to perform the task. I also make sure my employees complete the e-learning modules and I explain new policies and procedures to employees during the morning or evening sales rallies.

15. There are times where coaching is not enough and I need to formally counsel my employees to improve their performance or correct their behavior. I issue verbal and written discipline to employees for policy violations, like cell phones at the cash register, poor attendance, attitude problems and other issues. On average, I counsel employees once per week, although some weeks I don't do any counseling and other weeks I feel like I am constantly counseling employees. While I don't make final termination decisions, I play a significant role in deciding whether to terminate employees in my departments. I make termination recommendations to my Store Manager and Human Resources. My recommendations impact

the termination decision because my Store Manager and Human Resources trust my judgment; there has never been a time when they didn't follow my recommendation to terminate an employee. I sit down with the employee when it is time to communicate the termination decision.

16. As a CSLM, I draft and administer annual performance evaluations for the front end, receiving department, and cash room auditors. If an employee is not my meeting expectations, then I implement a performance improvement plan ("PIP"). In the PIP, I set specific goals and deadlines for the employee and then follow up with him or her during the PIP to determine if the goals have been achieved. If the employee does not successfully complete the PIP, then I make a recommendation to the Store Manager about whether to extend it or whether we should terminate the employee. During the last review cycle, I placed two of my employees on PIPs.

17. As a manager, I am responsible for ensuring the safety of our customers and employees. When I am working, I am always scanning the store for safety hazards and I promptly have someone address any safety hazards that I identify. If there is a safety incident during my shift, then I investigate the incident and report it to corporate. Although it is not required by BCF, I also plan and conduct a safety meeting every month in my store.

18. I participate in regional conferences calls an average of four times per month. Sometimes it is just a general conference call about sales, customer service scores, upcoming projects and other topics; other times the conference call is specific to one of my areas of responsibility, for example the receiving department, training, or human resources. I also participate in store visits from regional and corporate team members, including the Regional Human Resources Manager, Regional Operations Manager and Regional Loss Prevention Manager. During their visits, I walk the store with them, speak to my side of the business, provide information about how corporate initiatives are working in my store, and answer their questions.

19. In my store, the managers meet every Friday to discuss the workload planning for the next week. We go day by day and talk about the upcoming projects in the store and our plan for getting them finished in a timely manner. For example, one of the MASMs explains who is coming in and how they are going to complete all of the mark downs on Sunday. I then discuss the size of the truck that is coming on Monday and who I scheduled to unload and process the truck. After we have gone through the projects and schedule for the week, we discuss personnel issues such as how many people we need to hire and whether we are considering anyone for promotion.

20. My store receives general tasks from different corporate departments through a computer system called the Store Action Planner ("SAP"). SAP provides a general description of the task and a deadline to complete the task; for example, to complete all markdowns in the youth department by Friday. However, SAP does not tell me who to assign to the mark downs in the youth department or whether I need to allocate resources from another department to complete the task. I have to make those decisions by assessing how long it will take to complete the task, our payroll budget, staffing and other tasks we have going on in the store at the same time. If I don't think my team can complete a task within the time set by SAP, I communicate the date I expect to complete the task to my Store Manager or a regional team member. I have never been disciplined for not completing a task on time.

21. I created a system for managing the day to day tasks in my departments. I designate my supervisors as "captains" of different processes in the store, for example layaways and make tags for clothing that is returned to the store without tags. The captains are responsible for ensuring that those tasks are complete, either by performing the tasks themselves or by delegating the tasks to associates. I then follow up with the captains to make sure all of the tasks are complete. The captains system is a system I created myself; no one at BCF required me to do it.

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22. I am responsible for inventorying the supplies in the store and ordering and distributing new supplies when needed.

I declare under penalty of perjury that the foregoing is true and correct. Executed in
Spokane, Washington on 12 June, 2012.



Anthony Williams